

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.365 OF 2015
IN
FIRST APPEAL (ST) NO.35280 OF 2013**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr.Amarson B. Babar for the applicant

Ms.Meenakshi Sakhare A.G.P for the
respondent nos.1 to 4

CORAM : K.K.TATED, J.
DATED : 01/07/2015

PC:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by original plaintiff under Order 33 Rule 1 of the Code of Civil Procedure, 1908 for allowing him to file the present First Appeal as an indigent person. In the present proceeding, applicant plaintiff filed Special C.S. No.817 of 2007 in the court of 2nd Joint Civil Judge, Senior Division Pune for compensation of Rs.20,00,000/-. The applicant preferred application under Order 33 Rule 1 of the Code of Civil Procedure, 1908 on 6.11.1998 in trial court to file suit as indigent person. That application

was allowed by the Trial Court after hearing both the sides by order dated 23.6.2000. Respondents defendants have not placed on record any document to show that after passing of judgment and decree by the Trial Court on 29.4.2013, the applicant acquired sufficient means to enable him to pay the fee prescribed by law for First Appeal.

3 Considering the submissions made by the learned counsel for the Applicant and the earlier order dated 23.6.2000 passed by Trial Court, I am satisfied that the Applicant has made out a case for allowing the present Civil Application. Hence, following order:

A) Civil Application is allowed in terms of prayer clause (a) which read thus:

“(a) That this Hon'ble Court be pleased to exempt the Petitioner from payment of Court fees on the First Appeal preferred against Judgment and Order dated 29th April, 2013 of the Court of 2nd Civil Judge, S.D.Pune in Spl.C.S.No.817/2000.”

B) Civil application stands disposed of accordingly.

(K.K.TATED, J.)